



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RICHARD BREUNINGER, et al,
:
Plaintiffs, :
:

- against -

T. EDWARD WILLIAMS, et al,
:
Defendants. :
:
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20-CV-7033 (JPC) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On September 27, 2023 (Dkt. 171), Defendant Williams filed a letter requesting to amend his answer and counterclaims. On October 2, 2023, Plaintiff filed a motion to dismiss Williams' existing counterclaims. (Dkts. 176-77.) Some of Williams' proposed amendments appear to address some of the deficiencies alleged in Plaintiff's motion to dismiss.

Accordingly, by October 9, 2023, Plaintiff shall file a letter with the Court stating whether Plaintiff consents to leave for Defendant to file his Proposed Amended Answer and Counterclaims.

If Plaintiff does consent, then Plaintiff shall indicate whether Plaintiff (1) stands on their existing motion papers vis-a-vis the newly amended counterclaims; or (2) withdraws their motion to dismiss without prejudice to later filing a motion to dismiss the amended counterclaims.

If Plaintiff does not consent, then (1) Defendant will need to file a motion for leave to amend, for which the parties shall meet and confer and propose a briefing schedule to the Court; and (2) Plaintiff's motion to dismiss will be denied without prejudice to renewing

the motion if the motion to amend is denied (thus leaving the currently existing counterclaims in place), or filing a new motion if and when the motion to amend is granted.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: October 3, 2023
New York, New York

Copies transmitted this date to all counsel of record.